

REMARKS

Claims 58-81 will be pending in the application after entry of the forgoing amendment.

The Examiner rejected claims 27, 29 and 42-57 under 35 U.S.C. § 112, second paragraph, as allegedly failing to distinctly claim the invention; and rejected claims Claims 27, 29, and 42-48 under 35 U.S.C. §103(a) as being unpatentable over Sato (US Pub. No. 2003/0041123) in view of Braitberg (US Pub. No. 2001/0006503), and further in view of Hoffman (US Patent No. 6,622,017).

Applicant has cancelled claims 27, 29 and 42-57 and added claims 58-81.¹

Applicant submits that the pending claims, as amended, are nonobvious in view of the art of record, and otherwise comply with the statutes and regulations.

Support, not limitation, for amended claim 58's recitation of "the semiconductor memory being initially set with N memory areas each of size S" may be found, for example, in the U.S. Patent Application Publication of the instant Applicant, paragraph 171, disclosing that

"the user can write only the number of music pieces (the karaoke data) corresponding to the number of the blank areas ak of the OTPROM 17. For example, if the number of the blank areas ak is 8, only 8 music pieces of the karaoke data can be written"

and paragraph 330, disclosing that

"Usually, one music piece of karaoke data is written in one blank area aK. . . . Karaoke data is written in units of the blank area ak in this manner. In addition, because of the use of the OTPROM 17, karaoke data is written only in unused blank area(s) ak. That is, once karaoke data is written in a blank area aK, the same blank area aK cannot be used again for writing karaoke data. In other words, it is possible to write data only once"

and originally filed claim 2,

disclosing that

1. In general, the words "first," "second," etc., employed in the amended claims do not necessarily

“the writer unit writes the data in the area of the storage areas of the recordable medium in which data is not written yet in units of a predetermined size under the once only restriction.”

Support for claim 62 may be found in the “status table” disclosed in Fig. 36 and 37 and the corresponding text.

The Examiner stated that Sato shows

- a memory device (comprising an optical disc or semiconductor memory: see [0033] and [0157]);
- a content server (server 20) connected to a network and providing a content delivery service on the network (see [0032]); and
- a writer (user terminal 30) having a facility for receiving content from said content server through the network and writing the content to the memory device (see [0037]),
 - wherein said writer writes the content only once in a writable storage area of said memory device where data has not been written (inherent to the operation of a CD-R disc: see [0033]), only when said memory device is appropriate for said content delivery system (comprising only when the device is determined to be legitimate: see [0047]), wherein said content serve is configured to count the number of contents that has been successfully written to the memory device (see [0055]-[0056]).

(Office Action pages 5-6).

Applicant also notes that Sato discloses “The sled motor driving unit 40 moves the optical pickup 32 to the recording area 4 on the optical disc 2. The laser driving unit 42 causes the semiconductor laser to emit a high-power light beam to record the content data. On the optical disc 2, phase change materials constituting a recording layer of the recording area 4 are changed...” Sato paragraph 89.

denote an order.

The Examiner stated that Braitberg shows:

- a memory cartridge (storage cartridge 112 containing a write-once recording device: see Fig. 1, [0052], and [0060]) having a proprietary interface for accessing data contained therein (note that Braitberg introduces an enveloping cartridge which was not present in existing media: see [0019]-[0021]);
- a content using system which is distributed to a user of content and provided with a first proprietary connector compatible with and connectable to said proprietary interface of said memory cartridge for reading content therefrom and using the content (comprising, for example, a portable music player which has a drive containing the necessary mechanisms for reading data from the memory cartridge: see [0077]-[0080] and [0107]-[0108]);
- a writer that writes content through the first proprietary connector and that is implemented in the content using system (comprising a drive containing the necessary mechanisms for writing data on the memory cartridge: see [0077]-[0080] and note that the drive is capable of both writing data as a writer unit and reading data (i.e., using content as a content using system)).

(Office Action pages 6-7).

The Examiner stated that "Hoffman shows counting successfully written contents upon receipt of a notification that the content is successfully written, where the counted number is used to calculate fees paid to a content producer (see col. 11, lines 5-16)." (Office Action page 7).

The Examiner rejected claims 49-57 are rejected under § 103(a) as being unpatentable over Sato in view of Braitberg, and further in view of Hoffman and "HP JFS 3.3 and HP OnLineJFS 3.3 VERITAS File System 3.3 System Administrator's Guide" (hereinafter "the HP File System"), and

stated that the combination further shows:

- wherein said writable storage area comprises a plurality of blank areas

(comprising the blank space on the disk: see Sato, [0015]), and

- wherein the writer consumes the writable storage area in accordance with a value of the content when the writer writes the content in the writable storage area (comprising consuming more storage space for less-compressed, more-expensive music: see Sato, [0059]).

(Office Action page 8) (emphasis added).

The Examiner stated that the HP File System shows consuming storage area in units of blank areas (comprising blocks: see p. 93). It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the system of Sato to consume storage in units of blocks in order to provide an abstraction of data storage that the software can use to read and write data. (Office Action pages 8-9).

Applicant notes that the HP File System discloses that “You specify the block size when a file system is created; it cannot be changed later. The standard HFS file system defaults to a block size of 8K with a 1K fragment size. This means that space is allocated to small files (up to 8K) in 1K increments. ...Because many files are small, the fragment facility saves a large amount of space compared to allocating space 8K at a time. ...if there are many small files, a 1K block size may save space. For large file systems, with relatively few files, a larger block size is more appropriate.” HP File System, page 93.

“The VxFS file system allocates disk space to files in groups of one or more adjacent blocks called extents. VxFS defines an application interface that allows programs to control various aspects of the extent allocation for a given file (see Chapter 6, “Application Interface”). The extent allocation policies associated with a file are referred to as extent attributes.” HP File System, page 74.

In contrast to the art of record, each of new claims 58-68 recites, *inter alia*, a data delivery system comprising a semiconductor memory being initially set with N memory areas each of size S, and a processor configured to receive a title from the server, send the title to a display, to allow a user to view the title, receive an input from the user, receive a content unit delivered from the server via the network, the received content unit having the title viewed by the user, and cause the writer to write the received content unit to the semiconductor memory, wherein the writer is configured to write the received content unit to the semiconductor memory such that the received content unit is written to only a single 1 of the memory areas, and other content units are not subsequently written to the single one of the memory areas. (Base claim 58). Even if it were obvious to combine the art in the manner stated by the Examiner, the result would not be claim 58's intricate interrelation, including the recited writer configured to write the received content unit, having a title viewed by the user, onto only a single 1 of the memory areas, each memory area having size S, and the number N of the memory areas corresponds to a number of content units that can be written to the memory cartridge.

Furthermore, there would have been no motivation to modify the variable size files, of the Examiner's Sato-HP file system combination, to achieve the interrelation of claim 58 with the N memory areas each of size S, since a person of ordinary skill would have had an expectation that such a modification would result in a waste of space when Sato "content data" smaller than S are purchased and downloaded by a user of the Sato system.

New claims 69-74 are patentable because each recites, *inter alia*, a writer comprising a processor configured to receive the content unit sent from the first processor, the received content unit having the title viewed by the user, and write the received content unit to the semiconductor memory such that the received content unit, having a title viewed by the user, is written to only a single 1 of the size S memory areas, and other content units are not subsequently written to the single one of the memory areas. (Base claim 69).

New claims 75-78 are patentable because each recites, *inter alia*, a data memory

cartridge configured to operate with a system including a server configured to deliver content units, through a network, each content unit having a respective title; a writer including a connector that is connectable to the terminals of the memory cartridge; and a controller being configured to receive a title from the server, send the title to a display, to allow a user to view the title, receive an input from the user, the data memory cartridge comprising a semiconductor memory, the semiconductor memory being initially set with N memory areas each of size S , the number N of the memory areas corresponding to a number of content units that can be written to the memory cartridge, the N memory areas being initially set to be blank, enabling the received content unit to be written to the semiconductor memory, having a title viewed by the user, such that the received content unit is written to only a single 1 of the size S memory areas, and other content units are not subsequently written to the single one of the memory areas. (Base claim 75).

New claim 79 is patentable because each recites, *inter alia*, a server comprising a first transmitter that sends a title to the processor; a receiver that receives an input from the user; a second transmitter, responsive to the receiver, that sends a content unit to the processor, via the network, the sent content unit having the title viewed by the user, to enable the processor to cause the writer to write the sent content unit to the semiconductor memory, through the connector, wherein the writer is configured to write the received content unit to the semiconductor memory, such that the received content unit is written to only a single 1 of the size S memory areas, and other content units are not subsequently written to the single one of the memory areas.

New claim 80 is patentable because each recites, *inter alia*, 80. (new) a computer-readable medium storing a computer program that enables a computer to perform a process, the process comprising receiving a title from the server; sending the title to a display, to allow a user to view the title; receiving an input from the user; receiving a content unit from the server, via the network, the received content unit having the title viewed by the user; and causing the writer to write the received content unit to the semiconductor memory, wherein the writer is configured to write the received content unit to the semiconductor memory, through the connector, such that the received content unit, having a title viewed by the user, is written to only a single 1 of the size S memory areas,

and other content units are not subsequently written to the single one of the memory areas.

New claim 81 is patentable because each recites, *inter alia*, 81. (new) a computer-readable medium storing a computer program that enables a server to perform a process, the process comprising sending a title to the processor; receiving an input from the user via the processor; sending a content unit to the processor, via the network, the sent content unit having the title viewed by the user, to enable the processor to cause the writer to write the sent content unit to the semiconductor memory, through the connector, wherein the writer is configured to write the received content unit to the semiconductor memory, such that the received content unit is written to only a single 1 of the size S memory areas, and other content units are not subsequently written to the single one of the memory areas.

If the Examiner has any questions, Applicant's representative can be reached at 703-684-4840.

Respectfully submitted,



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